

REMARKS

This Amendment responds to the Office Action mailed on October 8, 2004. Claims 1-37 remain pending in the application and stand rejected. Claims 6, 17 and 35 have been amended herein. Applicants submit that the pending claims are in complete condition for allowance and respectfully request reconsideration in view of the following remarks.

Objections to the Specification

The specification was objected to for informalities related to the status of the parent application. The first paragraph of the specification has been amended to indicate the current status of the parent application. Accordingly, Applicants respectfully request that this objection to the specification be withdrawn.

Claims Rejected Under 35 U.S.C. § 112

Claim 35 stands rejected under 35 U.S.C. § 112, second paragraph for being incomplete. It appears that the remaining text of claim 35 was inadvertently omitted due to a printing error. Claim 35 has been amended herein to include the text originally intended for this claim. Support for this amendment to claim 35 can be found in the application at page 18, lines 15-20. Accordingly, Applicants submit that no new matter has been added by this amendment, and Applicants respectfully request that the rejection of claim 35 under 35 U.S.C. § 112 be withdrawn.

Claims Rejected Under 35 U.S.C. § 102

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,313,738 to Thakur et al. Claim 1 is the only independent claim of this rejected group and is directed to a sterilizer for sterilizing articles. Applicant respectfully traverse the rejection of claim 1 over Thakur '738 because Thakur '738 does not teach or suggest "a resilient seal between said door and said chamber interior, said seal comprising an annular lip having opposing inner and outer surfaces, said lip extending from said door into said chamber with said outer surface of said lip in engagement with said inner wall of said chamber," as recited in claim 1. Rather, the entire gasket 24 of the apparatus of Thakur '738 is compressed between the door 10 and the flange plate 14. (See, e.g., Thakur '738 at column 2, lines 35-39; column 3, lines 61-63; and Figures 6-8). For at least this reason, Applicants respectfully request that the rejection of claim 1 over Thakur '738 be withdrawn.

Claim 4 depends from independent claim 1 and is therefore in condition for allowance for at least the reasons stated above for claim 1. Accordingly, Applicants respectfully request that the rejection of claim 4 over Thakur '738 be withdrawn.

Claims 11-13 and 17-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,223,229 to Brucker. Claims 11, 17, 25 and 31 are the only independent claims of this rejected group. Claim 11 is directed to a sterilizer for sterilizing articles, including:

control means for monitoring and controlling a sterilization process;

temperature and pressure sensing means connected to said control means for sensing temperature and pressure, respectively, within said chamber interior; and

a purge valve in fluid communication with said chamber interior, said control means opening said purge valve to purge air from said chamber interior in response to at least one of said temperature and pressure sensor means sensing a predetermined condition within said chamber during formation of steam within said chamber whereby the percentage of air relative to steam within said chamber is decreased.

Applicants respectfully traverse the rejection of claim 11 over Brucker '229, because Brucker '229 does not teach or suggest a purge valve responsive to control means connected to temperature and pressure sensing means to purge air from the chamber interior when one of the temperature or pressure sensor means senses a predetermined condition within the chamber, as recited in claim 11. Rather, the venting cover 156 of Brucker '229, referred to in the Office Action, passively allows air to pass out of chamber 128 while preventing steam from exiting the chamber (Brucker '229 at column 7, lines 19-28). Similarly, the pressure relief valve 157 of Brucker '229 is not responsive to control means connected to temperature and pressure sensing means as required by claim 11. For

at least these reasons, Applicants respectfully request that the rejection of claim 11 over Brucker '229 be withdrawn.

Claims 12 and 13 each depend from independent claim 11 and are therefore in condition for allowance for at least the reasons stated above for claim 11. Moreover, Brucker '229 does not teach or suggest a control means that opens a purge valve "in response to input from said temperature and pressure sending means indicating a deviation from a saturated steam condition within said chamber," as recited in claim 12, or "a lip supported for engagement with said inner wall and located such that pressure within said chamber interior will force said lip into sealing engagement with said inner wall," as recited in claim 13. For at least these reasons, Applicants respectfully request that the rejections of claims 12 and 13 over Brucker '229 be withdrawn.

Claim 17 is directed to a method of sterilizing articles in a sterilizer including "monitoring gas properties . . . said gas properties comprising temperature and pressure." Claim 17 and has been amended herein to recite "comparing said gas properties to predetermined values for said gas properties, and automatically opening a purge valve of said chamber in response to said gas properties reaching said predetermined values." Applicants submit that this amendment to claim 17 overcomes the rejection over Brucker '229 because Brucker '229 does not teach or suggest monitoring gas properties including temperature and pressure, and automatically opening the purge valve when the gas properties reach predetermined

values as required by amended claim 17. Rather, the sterilizer of Brucker '229 simply admits steam into the chamber 12 and closes a thermostatic air valve 154 to build up pressure within the chamber once a preset temperature is reached (see Brucker '229 at column 7, lines 13-17). For at least this reason, Applicants respectfully request that the rejection of claim 17 over Brucker '229 be withdrawn.

Claims 18-24 each depend from independent claim 17, and are therefore in condition for allowance for at least the reasons stated above for claim 17. Moreover, Brucker '229 does not teach or suggest comparing the temperature and pressure within the chamber to a predetermined saturated steam condition, or opening a purge valve when the temperature and pressure within a chamber deviates from the predetermined saturated steam condition, as required by claim 18. Brucker '229 also does not teach or suggest opening a purge valve for a preset period of time, as recited by claim 19; holding the temperature within the sterilizer chamber near a predetermined maximum value for a predetermined period of time after a saturated steam condition is reached, as recited in claim 21; or biasing a seal into sealing engagement between a door and the chamber interior, as recited in claim 23. For at least these reasons, Applicants respectfully request that the rejections of claims 18-24 over Brucker '229 be withdrawn.

Applicants respectfully traverse the rejection of claim 25 because Brucker '229 does not teach or suggest a method of sterilizing articles in a sterilizer including "comparing the measured pressure in said chamber to the

pressure in said table corresponding to the measured temperature," as recited in claim 25. Specifically, the microprocessor 158 of Brucker '229 does not compare a measured pressure to a predetermined pressure at a measured temperature, and therefore fails to teach or suggest this element of claim 25. For at least this reason, Applicants respectfully request that the rejection of claim 25 over Brucker '229 be withdrawn.

Claims 26-30 each depend from independent claim 25 and are therefore in condition for allowance for at least the same reasons stated above for claim 25. Accordingly, Applicants respectfully request that the rejections of claims 26-30 over Brucker '229 be withdrawn.

Claim 31 is directed to a method for sterilizing articles in a sterilizer, including "calculating a temperature at which the water will boil, periodically comparing measured pressures to the predetermined values of pressure at measured temperatures, and purging air from the chamber if a measured pressure differs from the predetermined pressure by a predetermined amount." Applicants respectfully traverse the rejection of claim 31 over Brucker '229 because Brucker '229 fails to teach or suggest each of these steps recited in claim 31. Accordingly, Applicants respectfully request that the rejection of claim 31 over Brucker '229 be withdrawn.

Claims 32-37 each depend from independent claim 31 and are therefore in condition for allowance for at least the reasons stated above for claim

31. Accordingly, Applicants respectfully request that the rejections of claims 36-37 over Brucker '229 be withdrawn.

Claims Rejected Under 35 U.S.C. § 103

Claims 1, 4, 5 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brucker '229 in view of U.S. Patent No. 4,441,724 to Taylor. Claim 1 is the only independent claim of this rejected group. Applicants respectfully traverse the rejection of claim 1 over Brucker '229 in view of Taylor '724 because Brucker '229 does not teach or suggest "a resilient seal between said door and said chamber interior, said seal comprising an annular lip having opposing inner and outer surfaces, said lip extending from said door into said chamber with said outer surface of said lip in engagement with said inner wall of said chamber," as recited in claim 1 and discussed above. Taylor '724 fails to cure this deficiency. Specifically, Taylor '724 is directed to a sealing gasket 10 that is fully engaged between confronting surfaces 12, 14. Accordingly, Taylor '724 does not teach or suggest a gasket that extends into a chamber, as required by claim 1. For at least this reason, Applicants respectfully request that the rejection of claim 1 over the combination of Brucker '229 and Taylor '724 be withdrawn.

Claims 4 and 5 each depend from independent claim 1 and are therefore in condition for allowance for at least the reasons stated above for claim 1. Accordingly, Applicants respectfully request that the rejections of claims 4 and 5 over the combination of Brucker '229 and Taylor '724 be withdrawn.

Claims 14-16 each depend from independent claim 11 and therefore include each and every element recited in claim 11. Applicants respectfully traverse the rejections of claims 14-16 because the cited references do not teach or suggest each and every element of these claims. Specifically, Brucker '229 does not teach or suggest a purge valve responsive to control means connected to pressure and temperature sensing means, as discussed above with respect to claim 11. Taylor '724 is directed to a fluid-tight seal and does not teach or suggest a modification of Brucker '229 that cures this deficiency. For at least these reasons, Applicants respectfully request that the rejections of claims 14-16 over the combination of Brucker '229 and Taylor '724 be withdrawn.

Claims 2, 3 and 6-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Brucker '229 and Taylor '724, and further in view of U.S. Patent No. 4,951,693 to Archambault. Claim 6 is the only independent claim of this rejected group and is directed to a sterilizer for sterilizing articles, similar to claim 1. Claim 6 has been amended to clarify that the resilient seal extends from the door into the chamber interior. Applicants respectfully traverse this rejection of claim 6 because the combination of Brucker '229 and Taylor '724 does not teach or suggest a resilient seal that extends into the sterilizer chamber, as discussed above with respect to claim 1. Archambault '693 fails to cure this deficiency. Specifically, Archambault '693 is directed to an automatic door opening system for dishwashers and does not teach or suggest a

seal as required by claim 6. For at least this reason, Applicants respectfully request that the rejection of claim 6 over the combination of Brucker '229, Taylor '724 and Archambault '693 be withdrawn.

Claims 7-10 each depend from independent claim 6 and are therefore in condition for allowance for at least the reasons stated above for claim 6. Accordingly, Applicants respectfully request that the rejections of claims 7-10 over Brucker '229, Taylor '724 and Archambault '693 be withdrawn.

Claims 2 and 3 each depend from independent claim 1 and therefore include each and every element recited in claim 1. Applicants respectfully traverse the rejections of claims 2 and 3 over the combination of Brucker '229, Taylor '724 and Archambault '693 because Brucker '229 and Taylor '724 do not teach or suggest a lip extending from a door into a sterilizer chamber, as recited in claim 1 and discussed above. Archambault '693 fails to cure this deficiency. Accordingly, Applicants respectfully request that the rejections of claims 2 and 3 over the combination of Brucker '229, Taylor '724 and Archambault '693 be withdrawn.

If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

A handwritten signature in black ink, appearing to read "David W. Dorton", is written over a horizontal line.

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